



CITY OF SAN JOSÉ, CALIFORNIA

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City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28854**", the original copy of which is attached hereto, was passed for publication of title on the **16th day of November, 2010**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **30th day of November, 2010**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA, LICCARDO,
OLIVERIO; PYLE.

NOES: NONE.

ABSENT: CONSTANT, NGUYEN; REED.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **31st day of December, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **1st day of December, 2010**.

(SEAL)

LEE PRICE, MMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 28854

**AN ORDINANCE OF THE CITY OF SAN JOSE GRANTING A
COMMERCIAL SOLID WASTE AND RECYCLABLES
COLLECTION FRANCHISE TO REVOLUTION RESOURCE
RECOVERY, LLC**

WHEREAS, REVOLUTION RESOURCE RECOVERY, LLC has submitted an application to the City of San José for a Commercial Solid Waste and Recyclables Collection Franchise; and

WHEREAS, on November 16, 2010, the City Council held a public hearing to consider said application and to hear all persons desiring to be heard in favor of or in opposition to the granting of a Commercial Solid Waste and Recyclables Collection Franchise to REVOLUTION RESOURCE RECOVERY, LLC; and

WHEREAS, having considered all oral and documentary evidence presented on the matter of granting such franchise, the City Council has determined that the grant of such franchise to REVOLUTION RESOURCE RECOVERY, LLC is in the public interest;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF SAN JOSE:**

SECTION 1. The City Council hereby grants a Commercial Solid Waste and Recyclables Collection Franchise to REVOLUTION RESOURCE RECOVERY, LLC, pursuant to which REVOLUTION RESOURCE RECOVERY, LLC is authorized to engage in the business of collecting, transporting and disposing of Commercial Solid Waste and Recyclables kept, accumulated or produced in the City of San José and to use the public streets and rights of way for such purpose.

SECTION 2. The grant of said Commercial Solid Waste and Recyclables Collection Franchise is expressly subject to the terms and conditions of the City Charter, Chapter 9.10 of the San José Municipal Code, this Ordinance, and the Commercial Solid Waste and Recyclables Collection Franchise Agreement Between the City of San José and REVOLUTION RESOURCE RECOVERY, LLC ("Franchise Agreement"), as such now exist or as they may hereafter be amended.

SECTION 3. The Commercial Solid Waste and Recyclables Collection Franchise hereby granted to REVOLUTION RESOURCE RECOVERY, LLC shall be for a term commencing December 21, 2010, and ending on June 30, 2012. The Council hereby authorizes the Director of Environmental Services, in the Director's discretion, to extend the term of this Franchise for up to three one-year

increments by providing written notice to REVOLUTION RESOURCE RECOVERY, LLC; provided, however, that no such extension of the term of this Franchise shall become effective unless and until accepted in writing by REVOLUTION RESOURCE RECOVERY, LLC.

SECTION 4. Notwithstanding Section 3 of this Ordinance and notwithstanding any provision of the Franchise Agreement, the Commercial Solid Waste and Recyclables Collection Franchise may be terminated or suspended at any time in accordance with Section 9.10.1690 of Chapter 9.10 of the San José Municipal Code.

SECTION 5. Neither the Commercial Solid Waste and Recyclables Collection Franchise Agreement granted to REVOLUTION RESOURCE RECOVERY, LLC nor this ordinance authorizes REVOLUTION RESOURCE RECOVERY, LLC operate any landfill, recycling facility or other solid waste disposal facility.

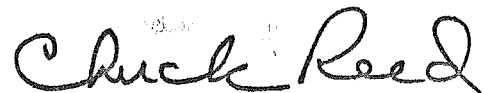
PASSED FOR PUBLICATION OF TITLE this 16th day of November, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk